

24708. Adulteration and misbranding of coffee. U. S. v. Interstate Coffee Co. Plea of guilty. Fine, \$100. (F. & D. no. 32896. Sample nos. 35383-A, 35385-A.)

This case was based on an interstate shipment of coffee that contained added chicory and cereal.

On September 26, 1934, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Interstate Coffee Co., a corporation, Natchez, Miss., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 13 and November 22, 1933, from the State of Mississippi into the State of Louisiana of quantities of alleged coffee which was adulterated and misbranded. A portion of the article was labeled: "Special. Rio. Al. Roasted and Packed by Interstate Coffee Co. Natchez, Mississippi." The remainder of the said article was labeled: "I. X. L. Blend * * * Interstate Coffee Co. Natchez, Miss." Both shipments were billed as coffee.

The article was alleged to be adulterated in that undeclared substances, chicory and a large proportion of cereal, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for coffee, which the article purported to be.

Misbranding was alleged with respect to a portion of the product for the reason that the statements, "Special Rio Al * * * Roasted And Packed By Interstate Coffee Co., * * * 30-Lbs Net Md.", borne on the drum containing the article, were false and misleading in that the said statements represented that the product in each drum consisted solely of 30 pounds of coffee, that is 30 pounds special, Rio type, first-class coffee, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the article in the said drums did not consist solely of 30 pounds of coffee, but did consist in part of approximately 25 percent of undeclared cereal and some chicory. Misbranding was alleged with respect to both lots for the reason that the article consisted of a mixture of cereal, coffee, and some chicory, and was offered for sale under the distinctive name of another article, namely, coffee, and for the further reason that it was a compound in imitation of another article, namely, coffee, and was not labeled so as to indicate plainly that it was a compound or imitation.

On May 20, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$100.

W. R. GREGG, *Acting Secretary of Agriculture.*

24709. Adulteration and misbranding of jellies. U. S. v. Cruikshank Bros. Co. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 33805. Sample nos. 42363-A, 42364-A, 42365-A, 43574-A to 43577-A, incl., 43579-A.)

This case was based on interstate shipments of jellies that were deficient in fruit juices, and that contained added pectin.

On December 12, 1934, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Cruikshank Bros. Co., a corporation, Pittsburgh, Pa., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 6 and June 20, 1933, from the State of Pennsylvania into the State of Ohio, and on or about September 6, 1933, from the State of Pennsylvania into the State of New Jersey of quantities of jellies which were adulterated and misbranded. The articles were labeled in part: "Cruikshank Cru Bro Currant [or "Cherry", "Blackberry", "Strawberry", or "Raspberry"] Jelly * * * Cruikshank Bros. Co. Pittsburgh, Pa."

The articles were alleged to be adulterated in that an added substance, namely, pectin, had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength, and in that mixed substances, namely, pectin and fruit jellies deficient in fruit juices, and containing more pectin than fruit jellies contain, had been substituted for current jelly, cherry jelly, blackberry jelly, strawberry jelly, and raspberry jelly, which the articles purported to be. Adulteration was alleged for the further reason that pectin and fruit jellies had been mixed in a manner whereby their inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Currant Jelly", "Cherry Jelly", "Blackberry Jelly", "Strawberry Jelly", and "Raspberry Jelly", borne on the jar labels, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since they were not currant, cherry, blackberry, strawberry, and raspberry

jellies, but were jellies deficient in the juices of the said fruits containing more pectin than jellies contain. Misbranding was alleged for the further reason that the articles were sold under the distinctive names of other articles.

On March 27, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

24710. Misbranding of cottonseed screenings. U. S. v. John J. Culbertson, Jr., John S. LeClercq, Jr., and Algernon S. Roberts (Prairie Cotton Oil Co.). Plea of guilty. Fine, \$300 and costs. (F. & D. no. 33810. Sample nos. 57539-A, 57541-A, 57545-A, 57547-A, 63715-A, 63718-A.)

This case was based on interstate shipments of cottonseed screenings that contained less than 43 percent of protein, the amount declared on the label.

On December 14, 1934, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John J. Culbertson, Jr., John S. LeClercq, Jr., and Algernon S. Roberts, trading as the Prairie Cotton Oil Co., Chickasha, Okla., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about October 28, October 31, November 18, November 20, and November 21, 1933, and March 8, 1934, from the State of Oklahoma into the State of Kansas of quantities of cottonseed screenings which were misbranded. The article was labeled in part: "43 Per Cent Cotton Seed Cake or Meal Prime Quality Prairie Cotton Oil Company (A Business Trust) Chickasha, Oklahoma Guaranteed Analysis Protein, not less than 43 per cent."

The article was alleged to be misbranded in that the statements, "43 Per Cent" and "Guaranteed Analysis Protein, not less than 43 per cent", borne on the tags attached to the sacks containing the article, were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein.

On May 3, 1935, a plea of guilty was entered and the court imposed a fine of \$300 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

24711. Adulteration and misbranding of chocolate-covered candies. U. S. v. Pasquale Margarella (P. Margarella). Plea of guilty. Fine, \$80. (F. & D. no. 33834. Sample nos. 54411-A, 54412-A, 58136-A, 66228-A, 66230-A, 66233-A, 66234-A, 66235-A, 66248-A, 67733-A.)

This case was based on interstate shipments of alleged chocolate-coated candies which were in fact candies coated with a mixture of chocolate and cocoa shell. One of the products which was sold under the name of "Jelly Frappe" contained an artificially colored and flavored imitation jelly-like center.

On February 28, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Pasquale Margarella, trading as P. Margarella, New York, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act on or about August 31, September 22, and November 6, 1933, and January 4, 1934, from the State of New York into the State of Connecticut; on or about October 2, 1933, and January 13, 1934, from the State of New York into the State of Pennsylvania; on or about January 19, 1934, from the State of New York into the State of Massachusetts; and on or about May 16, 1934, from the State of New York into the State of New Jersey, of quantities of alleged chocolate-coated candies which were adulterated and misbranded. The various items were labeled, respectively: "Choc. Cov. Nutty Caramels"; "Tudor City Peppermints"; "Chocolate Covered Pops"; "Choc. Cov. Twisters"; "Choc. Cov. Jelly Frappe"; "Choc. Cov. Moons"; "Chocolate Covered Turkey Eggs"; "Chocolates"; "Special Foil Assortment." The products in most of the shipments were further labeled, "World's Fair Brand * * * Pure Chocolate Candy * * * P. Margarella New York, N. Y.", together with a design of a boy holding a chocolate-covered bar in his hand.

The articles were alleged to be adulterated in that a substance, excessive shell, had been mixed therewith so as to reduce and lower and injuriously affect its quality, and in that excessive shell had been substituted in part for the articles. The jelly frappe was alleged to be further adulterated in that a product containing artificially colored and flavored imitation jelly had been substituted for a product containing fruit jelly frappe, which the article purported to be.